
Judiciary Committee

HB 1773

Title: An act relating to increasing the length of notice provided to a tenant and the type of notice to be provided when terminating month to month or other periodic tenancies governed by the residential landlord-tenant act.

Brief Description: Concerning certain notice requirements when terminating month to month or other periodic residential tenancies governed by the residential landlord-tenant act.

Sponsors: Representatives Springer, Williams, Goodman, Nelson, Sells, Miloscia, Simpson, Ormsby, Roberts and Flannigan.

Brief Summary of Bill

- Requires a landlord who plans to terminate a periodic tenancy without cause to provide at least 30 days notice if the tenant has resided in the dwelling for less than 12 months, and at least 60 days notice if the tenant has resided in the dwelling for 12 months or more.
- Provides that a landlord subject to a law or rental agreement that allows termination only for good cause may terminate the tenancy with 20 days notice stating the reasons for termination.

Hearing Date: 2/18/09

Staff: Edie Adams (786-7180)

Background:

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between landlords and tenants, including provisions regarding the duties of tenants and landlords, remedies for violations of those duties, and prohibited actions.

A rental agreement may establish a tenancy for a specified period of time (e.g., one year) or a periodic tenancy (e.g., month to month). A tenancy for a specified time, also called a lease, is

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terminated at the end of the specified period. A periodic tenancy is automatically renewed until terminated by either the tenant or the landlord according to statutory notice requirements.

A landlord must have cause to evict a tenant prior to the termination of a rental agreement. The causes that allow such evictions include: failure to pay rent; failure to comply with the terms of the rental agreement; failure to maintain the property or allowing damage to the property; permitting a nuisance on the property; and allowing illegal drug or other criminal activity on the property.

With respect to a month-to-month or other periodic lease, a landlord does not need cause to terminate the tenancy. The landlord may terminate the tenancy by providing notice of the termination at least 20 days prior to the end of the period of tenancy. Likewise, the tenant may terminate a month-to-month or other periodic lease by providing notice at least 20 days prior to the end of the period.

Local jurisdictions may establish greater protections for tenants. The City of Seattle has adopted a local ordinance that prevents any eviction without just cause. The just cause requirement applies to all evictions, even those at the end of a month-to-month lease. Grounds that may serve as just cause for an eviction in Seattle include any breach of the tenant's duties under the state landlord-tenant law that would constitute cause for an eviction under the state law. Additional just causes include a landlord's decision to use the premises for his or her immediate family members, to demolish the premises, or to convert the premises to another use.

Summary of Bill:

Notice requirements for terminating a periodic tenancy are revised. A tenant may terminate a periodic tenancy by providing the landlord with written notice at least 20 days prior to the end of any period of tenancy.

A landlord who is prohibited by the rental agreement or federal, state, or local law from terminating the tenancy without tenant malfeasance or other good cause may terminate a rental agreement by written notice, specifying the reasons for the termination, at least 20 days prior to the end of any period of tenancy.

A landlord who plans to terminate a tenancy without cause must provide the tenant written notice at least 30 days prior to the end of a tenancy period if the tenant has occupied the dwelling unit for less than 12 months. If the tenant has occupied the dwelling unit for 12 months or more, the landlord must provide notice at least 60 days prior to the end of a tenancy period.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.